

MINUTES OF THE TOWN BOARD MEETING OF MARCH 27, 2013

PRESENT:	Deputy Supervisor	Edward Fairbrother
	Council	Andy Gillette
		Mike Smith
		Mike Saglibene
ABSENT:	Town Clerk	Linda Cross
	Supervisor	Teresa Dean
	Attorney	Fredrick Ahrens

Deputy Supervisor Fairbrother called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

Deputy Supervisor Fairbrother stated that Supervisor Dean was in Mississippi with her son Tyler Dean who will be deployed to the Mideast. Please keep Tyler and all soldiers in our prayers.

PUBLIC HEARING: 7:00 p.m. Local Law #2 of 2013 - Hendy Creek Property

Deputy Supervisor Fairbrother called the public hearing to order at 7:00 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on March 19, 2013, which allowed and considered public comments from any interested parties herein, at the time specified, concerning Local Law Tentatively No. 2 for the Year 2013, authorizing the sale of a one-half acre portion of property located between Tax Parcel 98.05-3-24 and 98.05-3-25, located north of Hendy Creek Road, adjacent to Golden Glow Drive. Final adoption of said Local Law is subject to a permissive referendum.

IN FAVOR: None  
OPPOSITION: None  
COMMENTS: None

Deputy Supervisor Fairbrother closed the Public Hearing at 7:02 p.m.

PUBLIC HEARING: 7:00 P.M. Local Law #3 of 2013 - Green Valley Property

Deputy Supervisor Fairbrother called the public hearing to order at 7:00 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on, March 19, 2013, which allowed and considered public comments from any interested parties herein, at the time specified, concerning Local Law Tentatively No. 3 for the Year 2013, authorizing the sale of a one-half acre portion of property located between Tax Parcel 66.01-3-78 and 66.01-3-79, located north of Green Valley Road, adjacent to Olcott Road North. Final adoption of said Local Law is subject to a permissive referendum.

IN FAVOR: None  
OPPOSITION: None  
COMMENTS: None

## MINUTES OF THE TOWN BOARD MEETING OF MARCH 27, 2013

Deputy Supervisor Fairbrother closed the Public Hearing at 7:03 p.m.

CONCERNS OF THE PEOPLE - Judith Kadlec, 26 Landau Drive, thanked Councilperson Gillette for his assistance on working on the website; she was also please that the April Community Center flyer was up on the website already.

Mary Ann Balland - 24 Cayuga Drive, asked the Town board to reconsider the resolution regarding the \$ 5.00 fee for each of the round table usage at the Community Center for government and non profit organizations.

### MINUTES

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of February 27, 2013 as presented. All in favor except Supervisor Dean was absent, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Saglibene to approve the minutes of March 13, 2013 as presented. All in favor except Supervisor Dean was absent, motion carried.

Deputy Supervisor Fairbrother reported on the following;

- Chips Program increased 28.6%, will help the Town with paving.
- Fairbrother attended the Big Flats Fire Dept. Annual Banquet March 23, 2013 and wanted to thank Duane Gardner for 50 years of service and Todd Gardner for 25 years of service.
- The Employee Town Hand book will be reviewed for a final draft.
- Annual brush pick up will start April 15<sup>th</sup>.
- To Frack or not to Frack meeting open to the public, Tuesday April 9<sup>th</sup> at 7:30 p.m. at the Grace Episcopal Church in Elmira.

### UNFINISHED BUSINESS

#### RESOLUTION NO. 84-13

LOCAL LAW TENTATIVELY NO. 2 OF THE YEAR 2013, AUTHORIZING THE SALE OF  
A PORTION OF PROPERTY APPROXIMATELY ONE-HALF ACRE BETWEEN TAX  
PARCELS 98.05-3-24 AND 98.05-3-25 ADOPTED

Resolution by: Saglibene

Seconded by: Smith

WHEREAS the Town is now the owner of a one-half acre parcel between Tax Parcels 98.05-3-24 and 98.05-3-25, located north of Hendy Creek Road, adjacent to Golden Glow Drive, which no longer serves any public purpose or provides any public benefit, and

WHEREAS in accordance with said resolution and Notice of Public Hearing, the Town Board did conduct a Public Hearing on March 27, 2013 at 7:00 p.m. and all persons appearing were given the opportunity to be heard, and the Clerk of the Town Board having filed posting of the Notice of Public Hearing and requirement for a permissive referendum, now

MINUTES OF THE TOWN BOARD MEETING OF MARCH 27, 2013

RESOLUTION NO. 84-13, LOCAL LAW TENTATIVELY NO. 2 OF THE YEAR 2013, AUTHORIZING THE SALE OF A PORTION OF PROPERTY APPROXIMATELY ONE-HALF ACRE BETWEEN TAX PARCELS 98.05-3-24 AND 98.05-3-25 ADOPTED continued

THEREFORE, BE IT RESOLVED the Local Law Tentatively No. 2 of the Year 2013, as hereafter set forth be and the same hereby is finally adopted, to wit:

**TOWN OF BIG FLATS  
LOCAL LAW NO. 2 FOR THE YEAR 2013**

**A LOCAL LAW** authorizing the sale of a portion of one-half acre portion of property located between Tax Parcel 98.05-3-24 and 98.05-3-25.

Be it enacted by the Town Board of the Town of Big Flats as follows:

**SECTION 1:** The Town Supervisor for the Town of Big Flats be and the same hereby is authorized and directed for and in consideration of the sum of \$500.00 administrative, advertising costs and transaction costs, to convey equally to the adjoining property owners in a Quit Claim Deed.

**SECTION 2:** The within statue shall be construed as an offer to convey to, and an option to purchase the subject the westerly one-quarter acre premise by Betty Dailey, 89 Hendy Creek Road, and the easterly one-quarter acre premise by Irene and Gordon Bouchard, 85 Hendy Creek Road. Failure and refusal to furnish the considered on or before, June 30, 2013, shall terminate the within offer.

**SECTION 3:** This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

FURTHER RESOLVED within twenty (20) days after such Local Law is adopted the Town Clerk shall cause a copy of the Local Law to be published in the official Town newspaper, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of the Town of Big Flats by the filing of a petition within forty (45) days from the date of the final adoption of the Local Law with the Town clerk demanding such referendum, which petition must be signed by qualified electors of the Town registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the Town, and

FURTHER RESOLVED within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Town Clerk shall cause one (1) certified copy thereof to be filed in the office of Chemung County Clerk, and one (1) certified copy in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Chemung

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RESOLUTION NO. 84-13, LOCAL LAW TENTATIVELY NO. 2 OF THE YEAR 2013, AUTHORIZING THE SALE OF A PORTION OF PROPERTY APPROXIMATELY ONE-HALF ACRE BETWEEN TAX PARCELS 98.05-3-24 AND 98.05-3-25 ADOPTED continue

County Clerk is to be requested to file the Local Law in a separate book kept by here for such records, and

FURTHER RESOLVED a certified copy of this resolution shall be forwarded to the Assessor for the Town of Big Flats and Director of Real Property Tax Service for Chemung County.

CARRIED: AYES: Smith, Gillette, Sagliene, Fairbrother  
NAYS: None  
ABSENT: Dean

RESOLUTION NO. 85-13  
LOCAL LAW TENTATIVELY NO. 3 OF THE YEAR 2013, AUTHORIZING THE SALE OF  
A PORTION OF PROPERTY APPROXIMATELY A 50' by 178' PARCEL OF LAND  
BETWEEN TAX PARCELS 66.01-3-78 AND 66.01-3-79 ADOPTED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Town is now the owner of a 50' by 178' parcel between Tax Parcels 66.01-3-78 and 66.01-3-79, located north of Green Valley Road, adjacent to Olcott Road North, which no longer serves any public purpose or provides any public benefit, and

WHEREAS in accordance with said resolution and Notice of Public Hearing, the Town Board did conduct a Public Hearing on March 27, 2013 at 7:00 p.m. and all persons appearing were given the opportunity to be heard, and the Clerk of the Town Board having filed posting of the Notice of Public Hearing and requirement for a permissive referendum, now

THEREFORE, BE IT RESOLVED the Local Law Tentatively No.3 of the Year 2013, as hereafter set forth be and the same hereby is finally adopted, to wit:

**TOWN OF BIG FLATS  
LOCAL LAW NO. 3 FOR THE YEAR 2013**

**A LOCAL LAW** authorizing the sale of a portion of one-half acre portion of property located between Tax Parcel 66.01-3-78 and 66.01-3-79.

Be it enacted by the Town Board of the Town of Big Flats as follows:

MINUTES OF THE TOWN BOARD MEETING OF MARCH 27, 2013

RESOLUTION NO. 85-13, LOCAL LAW TENTATIVELY NO. 3 OF THE YEAR 2013,  
AUTHORIZING THE SALE OF A PORTION OF PROPERTY APPROXIMATELY A 50' by  
178' PARCEL OF LAND BETWEEN TAX PARCELS 66.01-3-78 AND 66.01-3-79  
ADOPTED continued

**SECTION 1:** The Town Supervisor for the Town of Big Flats be and the same hereby is authorized and directed for and in consideration of the sum of \$500.00 administrative, advertising costs and transaction costs, to convey equally to the adjoining property owners in a Quit Claim Deed.

**SECTION 2:** The within statute shall be construed as an offer to convey to, and an option to purchase the subject the westerly 25' by 89' parcel by John Mourey, 24 Green Valley Drive, and the easterly 25' by 89' parcel by Robert Drake, 28 Green Valley Drive. Failure and refusal to furnish the considered on or before, June 30, 2013, shall terminate the within offer.

**SECTION 3:** This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

FURTHER RESOLVED within twenty (20) days after such Local Law is adopted the Town Clerk shall cause a copy of the Local Law to be published in the official Town newspaper, together with notice that said Local Law is subject to a permissive referendum of the qualified electors of the Town of Big Flats by the filing of a petition within forty (45) days from the date of the final adoption of the Local Law with the Town clerk demanding such referendum, which petition must be signed by qualified electors of the Town registered to vote therein at the last preceding election, in number equal to at least ten per centum (10%) of the total number cast for Governor at the last gubernatorial election in the Town, and

FURTHER RESOLVED within five (5) days after the expiration of the time for the filing of petitions for a permissive referendum of said Local Law, the Town Clerk shall cause one (1) certified copy thereof to be filed in the office of Chemung County Clerk, and one (1) certified copy in the office of the Secretary of State of the State of New York, and the said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Chemung County Clerk is to be requested to file the Local Law in a separate book kept by here for such records, and

FURTHER RESOLVED a certified copy of this resolution shall be forwarded to the Assessor for the Town of Big Flats and Director of Real Property Tax Service for Chemung County.

CARRIED: AYES: Smith, Gillette, Sagliene, Fairbrother  
NAYS: None  
ABSENT: Dean

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**NEW BUSINESS**

RESOLUTION NO. 86-13  
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for March 2013, vouchers 4001895-4001980 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 41,413.28
HIGHWAY FUND	\$ 39,415.56
SEWER DISTRICT	\$ 3,410.40
WATER DISTRICT #1	\$ 4,761.89
WATER DISTRICT #2	\$ 5,932.74
WATER DISTRICT #3	\$ 1,727.58
WATER DISTRICT #4	\$ 259.11
LIGHTING DISTRICT	\$ 606.14
TRUST & AGENCY	\$ 1,098.50

CARRIED: AYES: Smith, Gillette, Sagliene, Fairbrother  
NAYS: None  
ABSENT: Dean

RESOLUTION NO. 87-13  
MARCH 27, 2013 COMMUNICATIONS LOG APPROVED

Resolution by: Saglibene  
Seconded by: Smith

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

March 8, 2013

Time Warner Cable – RE: Franchise Fee Payment. *Referred to: filed with Town Clerk.*

Chemung County Department of Aging and Long Term Care – RE: Honor a Special Volunteer. *Referred to: Director of Recreation, filed with Town Clerk.*

March 14, 2013

Chemung County Director of Public Information and Records – RE: Counter Route 55A Designation. *Referred to: filed with Town Clerk.*

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RESOLUTION NO. 87-13, MARCH 27, 2013 COMMUNICATIONS LOG APPROVED  
continued

March 15, 2013

PVE Sheffler – RE: Marcellus Shale Development – Mapping Restricted Area. *Referred to: Town Board and filed with Town Clerk.*

Chemung County Legislature – RE: Proposed Expansion of Existing Mined Land Use on the Elmira Corning Regional Airport. *Referred to: filed with Town Clerk.*

CARRIED: AYES: Smith, Gillette, Sagliene, Fairbrother

NAYS: None

ABSENT: Dean

Deputy Supervisor Fairbrother made a motion, seconded by Councilperson Gillette, to enter into Executive Session, for a personnel matter to discuss a particular person at 7:14 p.m. with the possibility of a resolution at the end. All in favor except Supervisor Dean was absent, motion carried.

Deputy Supervisor Fairbrother asked the Commissioner of Public Works to enter in to the Executive session at 7:17.

Deputy Supervisor Fairbrother reconvened the Town Board meeting at 7:38 p.m.

RESOLUTION NO. 88-13  
PROCEDURES FOR ESTABLISHING NEW HIRE RATE OF PAY  
ADOPTED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS in order to ensure pay scale equity between current employees and new hires, it is necessary and desirable for the Town Board to establish the salary for each and every non-union employee, now

BE IT THEREFORE RESOLVED in the event a position becomes vacant the new employee shall have their rate of pay established by the Town Board.

CARRIED: AYES: Smith, Gillette, Saglibene, Fairbrother

NAYS: None

ABSENT: Dean

Deputy Supervisor Fairbrother reported that the Town Elevator is up and working very well.

Councilperson Smith made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 7:40 p.m. All in favor except Supervisor Dean was absent, motion carried.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk